

Fruit Street Local Historic District Commission
Meeting Minutes – May 13, 2010
City Hall

Meeting of the Fruit Street Local Historic District Commission was called to order at 7:00 PM

Roll Call

Present: Maurice Southworth, Stephen Feige, Tom Bower

Absent: Bonnie Sontag, Kevin Wallace

General Business

- a) Approval of Minutes

Minutes not available for review.

Correspondence

Chairman Maurice Southworth mentioned he had several letters and/or e-mails from neighbors regarding the application of their neighbors, the Grays, of 6 Fruit Street, and opted to present them during the general business section of the meeting. He did however present a letter sent by the Grays to supplement their application: The highlighted points of the letter were as follows:

1. Historic photos of houses on Fruit Street show solid fences existing all the way to the street
2. Currently on Fruit Street there are several houses that have solid privacy fencing all the way down the sides of their property up to the street.
3. Rulings by the FSLHD that are too restrictive may inhibit the development of future LHD's in Newburyport.

Old Business

Discussion of Application #01-10: 6 Fruit Street by Jeff and Kelly Gray:

Maurice Southworth opened the public hearing. He then read the proposal of the Grays, which involved extending their existing solid fence between 4 and 6 Fruit Street, and alterations to their driveway that involved removing brick and planting grass in selected areas. (Please see application)

Committee agreed to hear comments from members of the audience:

Liz Southworth, a principal member of the committee that drafted the Fruit Street Local Historic District Ordinance, reminded the committee members and those present that the document was carefully labored over a three year period before its implementation and was specifically

designed to not encumber the homeowner, but instead to preserve the historical integrity of the federal style Fruit Street neighborhood.

Maurice Southworth then read aloud correspondence from neighbors regarding the application:

1. David Leach, 5 Fruit Street, stated he had “no objection,” to the Grays proposal.
2. Margie and Collin Frew, 20 Fruit Street, stated that “ The proposed changes are OK with us. We hope these simple changes will not be denied because precedent from a historic district that is too strict may scare others away from becoming part of a local historic district.”
3. James Roy, 4 Fruit Street, stated that, “... the driveway changes are fine, but the solid fencing is unacceptable as it will directly encumber our property and established plantings there.” Maurice Southworth also mentioned that the Roys have lived at this address for over thirty years.

The Grays mentioned they provided committee members with a supplement to their application with photos from the turn-of-the-century showing solid fencing on several Fruit Street Properties and current photos of the present existence of several solid fences on Fruit Street.

Tom Bower proposed to close the public comment portion of the hearing and committee members started their discussion.

Maurice Southworth began by referencing 2 sections clearly stated in the FSLHD Guidelines:

1. Section 17 is concerned with styles of fences in front of houses. Any fences in these areas should be of Federal style and complement house’s exterior. Although the Gray’s supplement shows solid fencing existed and now exists on Fruit Street, Federal style fencing should be the choice in visible areas.

2. Section 26 states privacy alone is not reason enough to justify a fence. Solid fencing seen from the street is strongly discouraged.

He ended by stating the ordinance clearly does not support the Grays proposed changes to their fence.

Stephen Feige expressed concern over the Roys’ letter, in particular, because they live directly next door and their flowers would be impacted by a solid fence. He suggested that the Grays come to a mutually agreeable plan to address privacy issues between them.

Stephen also expressed concern that any attempt to harshly cordon off the space between the two adjacent properties would significantly alter the spatial relationships of the original design when a local merchant, Mr. Tenny, built the houses in the early 1800’s for his children. He also reminded all present that the area in question is very visible from the street.

Kelly Gray interjected at this point that she disagreed that one section of fence would alter the area's spatial relationship. She also stated that all shade cast in the area was due to a large tree that remains on the Roy's property.

Tom Bower argued that the fence design proposed by the Grays was a compromise already because they were only adding one section of solid fence and leaving 2 of the 3 sections of picket fence intact for the Roy's flower bed. Also, because the proposed fence was to match that which existed, he felt the Grays should be granted permission to extend the privacy portion of their fence as proposed. Although the ordinance discourages privacy fencing in visible areas, reasonable compromises should be allowed.

All three committee members had no problem with the proposed driveway changes.

A motion was made by Maurice Southworth to disapprove the fence but allow driveway changes.

Stephen Feige seconded the motion.

The vote was tallied as follows.

Maurice Southworth: Yes

Stephen Feige : Yes

Tom Bower: No, I would allow both.

The motioned passed. The extension of the fence is denied. The change in the driveway is approved.

After the vote, Kelly Gray expressed concern over their ability to grow grass in the area of their driveway and asked if she would have to come before the committee again to return the driveway to its current design. Maurice Southworth assured her this would not be necessary because her current driveway is paved in brick and this is allowed under the ordinance.

Kelly also asked what an appropriate fence might be?

Stephen Feige responded that one in the Federal style that your direct neighbors might approve.

A discussion ensued and Maurice Southworth made a suggestion that applicants should attend the first meeting of the committee when they present their application so that any problems that may arise are evident early in the application process. As a result, committee members can aid applicants in a successful outcome for their request efforts.

A motion to close the public hearing was made by Tom Bower and seconded by Maurice Southworth. Motion unanimously approved.

New Business

None

Adjournment

Meeting adjourned at 7:42 PM

Respectfully submitted, Tom Bower - Note Taker.